



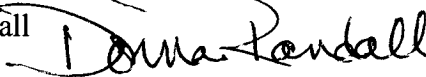
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C., 20460

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

July 19, 2007

MEMORANDUM

SUBJECT: Effects Determination for Acephate Relative to the California Red-Legged Frog and Designated Critical Habitat

FROM: Donna Randall  
ERB 2   
Environmental Fate and Effects Division

TO: Arthur-Jean Williams, Associate Director  
Environmental Fate and Effects Division

Attached is the assessment of potential effects to the California Red-Legged Frog (CRLF) and designated critical habitat from uses of the insecticide Acephate. While the Endangered Species Act requires that we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses on only the CRLF, including designated critical habitat, addressing the provisions of a settlement agreement entered into by the federal government to resolve claims made by the plaintiffs against EPA in a court case (CBD vs. EPA).<sup>1</sup>

The Attached assessment was conducted consistent with the Agency's Overview Document<sup>2</sup>. Effects determinations for this assessment are summarized below:

Indoor Uses

• A "No Effect" determination was made for the CRLF and its critical habitat for registered indoor uses of acephate because these uses are restricted solely to indoors, exposure pathways to the CRLF and its critical habitat are not expected. These indoor uses include: Commercial Storages/Warehouses Premises; Commercial Transportation Facilities-Nonfeed/Nonfood; Commercial/Industrial/Industrial Premises/Equipment (Indoor); Eating Establishments; Food Processing Plant Premises (Nonfood Contact); Food Stores/Markets/Supermarkets Premises; Food/Grocery/Marketing/Storage/ Distribution Facility Premise; Hospitals/Medical Institutions Premises (Human/Veterinary); Household/Domestic Dwellings; Household/Domestic Dwelling Contents; Household/Domestic Dwellings Indoor Food Handling Areas; Household/Domestic Dwellings Indoor Premises; Poultry Processing Plant Premises (Nonfood Contact); Refuse Solid Waste Containers (Garbage Cans); Refuse/Solid Waste Sites (Indoor).

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<sup>1</sup> *Center for Biological Diversity (CBD) vs. EPA et al.* (Case No. 02-1580-JSW(JL)) settlement entered in the Federal District Court for the Northern District of California on October 20, 2006

<sup>2</sup> Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs, U.S. Environmental protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.

## Outdoor Uses

- A likely to adversely affect (“LAA”) determination was concluded based on direct, acute and chronic effects to the terrestrial phase CRLF in the terrestrial environment, timing of use, widespread use, overlap of use “footprint” with habitat.
- A “LAA” determination to the terrestrial phase CRLF was concluded based on indirect, adverse effects to vertebrate and invertebrate animals in the CRLF’s terrestrial prey base, timing of use, widespread use, overlap of use “footprint” with habitat.
- A “LAA” determination was concluded for effects on terrestrial phase critical habitat, which include effects on the terrestrial prey base and the availability of shelter.
- A “No Effect” determination for indirect effects for the CRLF terrestrial and aquatic phases and critical habitat was concluded based on lack of adverse effects on aquatic and terrestrial plants.
- A “No Effect” determination was concluded for direct effects in the aquatic environment, based on the lack of adverse acute and chronic effects to the aquatic phase CRLF.
- A “Not Likely to Adversely Affect” (“NLAA”) determination was concluded for indirect effects to the aquatic phase CRLF or its critical habitat based on discountable effects on aquatic invertebrates in the CRLF’s prey base.

As required by the alternative Consultation Agreement EPA entered into with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), I have been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development. The review panel included a scientist who has been trained by the Services to make such determinations (Dr. Melissa Panger).

Please let me know if you have any questions regarding this assessment and effects determination for Acephate relative to the CRLF and designated habitat.

cc: Steven Bradbury  
Debbie Edwards

Attachments